

**Opening Statement**  
**Ranking Member Jared Polis**  
**HELP Subcommittee**  
**H.R. 511, Tribal Labor Sovereignty Act Legislative Hearing**  
**June 16, 2015**

I first want to thank the Chairman for pursuing regular order with this legislation. I am glad we are first having a hearing on this legislation and issue in order to collect the facts, and get feedback from various perspectives. I am glad for the opportunity to speak on this important issue. And thank you to our great group of panelists for taking their time to give us an in-depth perspective.

As all legislative hearings should, I believe this hearing must be about fact finding. This bill highlights the inherent tension between two important principles of American law: tribal sovereignty and workers' rights. I fully support the sovereignty of Native Americans, and I know many of us place a great deal of importance on self-governance, localized control, and the independence of tribal nations.

But I also believe deeply in the right to organize, in protecting our workers and allowing workers, including Native American workers, to fight for a safe and fair working environment. All legislation and NLRB decisions must balance these competing principles, not favor one at the expense of the other. So reconciling these two priorities may be difficult, but we as the committee have a responsibility to dig into how we effectively and fairly reconcile these issues. We must work to honor and protect tribal sovereignty while also respecting workers' rights and discussing the implications of this bill on these two issues is where we begin.

We must analyze this issue in its true context. We should investigate knowing that this issue is about more than tribal sovereignty; it is about more than gaming restrictions or the NLRA. It is not only about a respect for tribal sovereignty and control, it is also – perhaps primarily – about the Majority's dislike of the NLRB and Unions. As we have discussed hundreds of times, unions are the key to shrinking the wage gap, raising up the middle-class and creating good paying jobs. Without unions we wouldn't have weekends, we wouldn't be moving towards equal pay, and there would be many fewer jobs that a family can live comfortably live on.

Under current law, tribes are subject to many federal employment laws, including the Fair Labor Standards Act, OSHA, ERISA, and the Family Medical Leave Act. Which begs the question, if this conversation is not solely about the right to join a union, then shouldn't we also be having a discussion around due process and federal exemptions for a variety of American workers – including those under the American Disabilities Act, OSHA, ERISA and the Federal Labor Standards Act which keeps companies from not using slave labor or child labor.

I will also point out that I believe most of the companies operated by Indian nations would not take advantage of workers. As is always the case, however, there are bad actors and there are good actors. In circumstances like these, we cannot and should not overburden good actors. Nor, though, can or should we allow workers to be taken advantage of by the rare bad actor.

American Tribal sovereignty across this country is vital, but we must also analyze this issue with the knowledge that these businesses, casinos and more, are part of interstate commerce, and that there are many people who work at businesses “owned and operated by Indian nations” who may or may not be of Native American descent. In fact statistics show that an overwhelming majority of workers (75% or more) come from outside the reservation and are not members of an Indian nation. These individuals have no ability to raise the issue of worker's right within the context of tribal law, so the question becomes what laws protect them?

I am interested in hearing from our witnesses on both sides of this issue about how this bill impacts not only sovereignty and local control, but also the health and economic vitality of all ethnicities and beliefs.

Thank you very much, and I yield back my time.

### **Closing Statement**

Thank you to everyone for your impassioned and honest testimony and answers. I truly hope that everyone on the committee today will analyze this issue objectively, and with an understanding of what has been said here. As you consider this issue, please keep in mind the needed nexus between balancing critical domestic sovereignties with the protection due to all American workers – regardless of whether you are white, black, Hispanic or Native American.

Without the right to self-governance we would not have the strong communities present across this country today, and without the right to collectively bargain we would not have the strong and growing economy that all Americans rely on.

I look forward to continuing this discussion with individuals and experts on both sides of the issue.